

MINUTES

CLARENDON COUNTY COUNCIL REGULAR MEETING

February 8, 2010 6:00 P.M.

**F. E. DuBose Career Center Auditorium
Manning, SC**

The **Regular meeting** of the Clarendon County Council was held on Monday, **February 8, 2010**, at 6:00 PM in the **Auditorium of the F. E. DuBose Career Center, in the Alcolu area of Manning, S.C.**

In attendance were:

County Council Chairman Dwight L. Stewart, Jr.
County Council Vice-Chairman W. J. Frierson
County Councilman Billy Richardson
County Councilman Benton Blakely
County Councilman A. C. English, Jr.
County Administrator Bill Houser

Press in attendance: Cathy Gilbert of *The Manning Times* and Sharron Haley on behalf of Bobby Baker with *The Item*.

Others in attendance: Betty S. Pritchard, Clerk to Council; David W. Epperson, County Attorney; Linda P. Lemon, Human Resource Director; Lynden Anthony, Controller; Mia Jackson, Senior Secretary, Administration; Fred and Sandi Tucker, Weldon Auditorium; Patrick Goodwin, Turbeville Administrator; Rebecca Rhodes, Manning Administrator; Winston and Genie Hodge, owners of Kennedy Lane; Nancy Cave, Archivist; Patricia Pringle, Auditor; Louis and Dawn Griffith on behalf of the Chamber of Commerce; Chars G. Kennedy and Jannie M. Montgomery on behalf of Walker-Gamble community; Tommy Burgess from County Law Enforcement.

Apologizing for the slight delay in convening the Council meeting due to the prior meeting of the Joint Councils at 5:30 PM, **Chairman Stewart opened the meeting at 6:10 PM.** He welcomed all in attendance after which Vice-Chairman Frierson gave the Invocation followed by the Pledge of Allegiance recited in unison.

Following a review of the **Minutes of the Regular Council Meeting of January 11, 2010**, and the **Special Joint Meeting with County Council and the Clarendon County Development Board of January 21, 2010**, and upon motion of Councilman English, seconded by Councilman Blakely, the **Minutes were approved as presented.**

Consideration was given to Third Reading of Ordinance #2009-20 to Transfer Authority for Conducting Municipal Elections in the Town of Summerton to the Clarendon County Voter Registration and Election Commission. Upon motion of Vice-Chairman Frierson, seconded by Councilman Richardson, **Council voted unanimously to grant Third Reading to Ordinance #2009-20.**

Consideration was given to First Reading of Ordinance #2010-01 to Amend the FY2009-2010 County Budget. Administrator Houser stated that when the FY2009-2010 Budget was prepared, the County Finance Group decided to take an extra conservative approach since the economic situation was uncertain and the outcome of Legislative action relative to the ATIs (Assessable Transfer of Interest properties) was unknown at that time. Actual collections of ad valorem revenue on real property have exceeded revenue anticipated in the FY2009-2010 Budget in the estimated amount of \$ 250,000. Houser explained that in preparing the final budget, certain proposed and requested expenditures were deleted from the Budget because of the economic restrictions and anticipations. He reported that in view of the additional revenue collected in the amount of \$ 250,000, he is recommending that certain expenditures be reconsidered for purchase and/or repair. He reviewed with Council the recommended expenditures explaining the necessity for each, as follows:

Archives roof repair	\$ 40,000
Archives interior repair	20,000
5 mid-size vehicles from State contract to replace oldest vehicles	80,000
Internet-based procurement software	40,000
Internet domain	35,000
Internet firewall upgrade	8,800
Weldon part-time Events Coordinator March 1 st	<u>9,300</u>
Total expenditures	\$ 233,100

Administrator Houser emphasized that since this is a “one-time” revenue increase, care has been taken to insure that the approval of these expenditures in the current Budget will not create reoccurring expenses in the upcoming Budget. Councilman English commented that the repairs to the Archives should not be ignored since this is a historic building that we could lose if not maintained properly. Councilman Blakely questioned the need for five vehicles. Houser reported that these would be replacing the oldest vehicles owned by the County all with very high mileage – two for the Assessor’s office, one for the Planning Department and two for the Courthouse. Chairman Stewart suggested that all repairs and other expenditures be made prior to purchasing the five vehicles to make sure sufficient funds remain for this purchase. Upon motion of Councilman Richardson, seconded by Councilman English, **Council voted unanimously to grant First Reading to Ordinance #2010-01 to Amend the FY2009-2010 Budget for Supplemental Expenditures.**

Consideration was given to Resolution to Insure That All Employees Fall Within the Current Salary Scale Per Job Classification. County Attorney Epperson explained that the purpose of this Resolution is to reaffirm the Job Classification and Salary Structure previously adopted by Council and to authorize the County Administrator to insure that all employees are within their appropriate salary range for their particular job classification. Councilman English questioned the need to reaffirm a policy already in force. Attorney Epperson responded that this Resolution will strengthen that policy by authorizing the Administrator to correct any inadequacies that might occur in matching job classification to salary structured for that position. Councilman Blakely suggested taking a portion of the surplus revenue and giving the employees some of it since they did not receive a COLA (cost of living allowance) in the current budget. Administrator Houser responded that since this is “one-time” money, it is not recommended that it be spent on a reoccurring expense. Noting that it is very important to follow the Structured Salary Scale to avoid discrimination, Vice-Chairman Frierson made **a motion to approve the Resolution as presented.** The motion was seconded by Councilman Richardson and **unanimously approved by Council.**

Consideration was given to Request from the City of Manning for County Maintenance of Kennedy Lane. Chairman Stewart acknowledged the presence of Winston and Genie Hodge, owners of the property on which Kennedy Lane was constructed adjacent to the CVS Pharmacy. He explained that Kennedy Lane is a rather unique situation – the relocation and construction of CVS Pharmacy included the construction of a new adjacent roadway, Kennedy Lane, which is in the City limits. Mayor Johnson has submitted a written request for the County to take over ownership and maintenance of Kennedy Lane. The County Engineer has completed the one-year inspection and finds the road to meet County requirements. Chairman Stewart explained that there exists other issues regarding limited liability, the maintenance of future roads within the City limits, as well as certain roads presently owned by the County within the City limits. In view of this, Attorney Epperson and City Administrator Rebecca Rhodes have met and discussed this situation in an effort to coordinate an agreement. Attorney Epperson reported that several options were discussed and that Administrator Rhodes plans to discuss these options with City Council to select the best option available. Administrator Rhodes interjected that the City Council will meet on Monday evening and she will discuss the options with them at that time. She commented that the City does not own or maintain any roads, and that she will recommend that the City receive a proportionate share of the “C Funds” which they can use to maintain new roads and a couple of roads the County now owns within the City limits. She reported that Kershaw County works satisfactorily under this arrangement. Stewart conceded that the County could agree to accept the road (Kennedy Lane) now and deed it to the City after a mutual agreement has been finalized. Attorney Epperson stated that this is the overall concept of the discussions with the City but that it is not the “C Funds” that would be used but rather it is being considered that a portion of the “road user fee” be used to augment this road

maintenance. Houser added that the “C Funds” are restricted to 25% for use by the State on State road maintenance within the County and 75% for use on County roads. Rhodes interjected, “We may want to think about the use of “C Funds” in the future and we may be able to work with the County and State with match funds.” Chairman Stewart concluded discussion with the comment, “The County can accept ownership of this road tonight and work with the City of Manning on ownership through the use of a portion of the \$ 25 road user fee per vehicle (ratio per population formula).” Upon motion of Councilman Blakely, seconded by Vice-Chairman Frierson, **Council voted unanimously to accept ownership and maintenance of Kennedy Lane with the understanding that the County Attorney will continue to work with the City of Manning on a mutual agreement.**

Consideration was given to Resolution to Verify that the Clarendon County Disabilities and Special Needs Board Provides Transportation to Persons with Disabilities in Clarendon County. Chairman Stewart explained that the Disabilities and Special Needs Board needs a Resolution to accompany a Grant application they are submitting for the purchase of transportation to provide services for the disabled and elderly. He explained that he provided them with a letter of support and that a Resolution is also needed but that this Resolution is not a commitment for local funding. Upon motion of Councilman English, seconded by Councilman Blakely, **Council voted unanimously to approve the Resolution as presented.**

Consideration was given to a Decision as to whether or not to Continue County Maintenance for Clubhouse Road. Administrator Houser reported that the suit brought against the County by Ted Johnson, owner of Clubhouse Road, has been settled and the Judge ruled in favor of the County. He added that after the Order signed by the Judge is received, there is a thirty-day waiting period to allow for an appeal by Mr. Johnson. He reported that Clubhouse Road is in poor condition due to the lack of any maintenance pending conclusion of the Court case, that although the residents of Clubhouse Road have been very patient and supportive of the County, they are in need of maintenance to their road. He requested Council’s decision as to whether or not they wished the County to continue maintaining Clubhouse if no further litigation is pending. Upon motion of Councilman English, seconded by Councilman Richardson, **Council voted unanimously to continue maintaining Clubhouse for the benefit of the emergency vehicles and residents once the Order is received and the appeal period has expired.**

Consideration was given to approval of the Proposed Budget Schedule for FY2010-2011. County Controller Lynden Anthony presented the schedule which calls for First Reading of the Budget Ordinance (including Budget presentations of Elected Officials) on April 12, 2010; Public Hearing and Second Reading of Budget (including Budget presentations of School Districts I, II and III) on May 10, 2010; and Third and Final Reading of Budget scheduled for June 14, 2010. An optional Budget Workshop,

tentatively scheduled for May 26, 2010, is also proposed if needed. Upon motion of Vice-Chairman Frierson, seconded by Councilman Richardson, **Council unanimously approved the FY2010-2011 Budget Schedule as presented.**

County Attorney Epperson reported on the recent Bid Solicitations received relative to the proposed sale of surplus County property. Epperson reminded Council that they voted to accept as the minimum bid the fair market value as assessed by the County Assessor. He reported that the bids closed the previous week and that all of the bids received were under the fair market value. Bids received for the three parcels on Boyce Street were \$ 141,000, \$ 86,500 and \$ 98,000 and the one bid received for the parcel on Brooks Street was \$ 13,500. Epperson presented two options to Council: 1) Leave property "as is" for the present time until market conditions improve; 2) Amend Ordinance to sell below Fair Market Value. He noted that there is a significant difference in the bids received as compared to the fair market values. Chairman Stewart commented, "If we don't have to sell this property at this time, I really believe real estate might pick up and bids will increase at a later date." Vice-Chairman Frierson and Councilman English agreed that these proposed sales should be put on hold. No motion was needed since the Ordinance to sell specified the minimum bid would be the fair market values.

At 7:05 PM, Chairman Stewart convened the Clarendon County Transportation Committee (CCTC) to receive information and consider the following road issues:

1) Administrator Houser reported that Public Works needs culverts and reconstituted asphalt for road maintenance and **requested \$ 19,000 for culverts and \$ 200,000 for reconstituted asphalt from the "C Funds."** He reported that a number of requests are being received concerning maintenance on unpaved road but that the rainy weather creates a delay in the road crew being able to work these roads. He assured everyone that the road crews will maintain these roads as soon as possible. Upon motion of Councilman Richardson, seconded by Vice-Chairman Frierson, **Council voted unanimous approval to an allocation of \$ 19,000 and \$ 200,000 from "C Funds" as requested for road maintenance.**

2) **SC DOT has requested to have the following added to their paving project list for 2010: Loss Brook Road** (extension of Oak Grove Church Road from Raccoon Road to Highway 260) at an estimated cost of \$ 168,000; and **Buchanan Road** (from Raccoon Road to Loss Brook Road) at an estimated cost of \$ 196,000. Upon motion of Councilman Richardson, seconded by Vice-Chairman Frierson, **Council voted unanimous approval to the request of SC DOT.** Chairman Stewart asked if the County Engineer has input on the State selected roads to which Houser responded affirmatively, that he coordinates with Coleman Holladay, the SC DOT Engineer.

3) Attorney Epperson reported on the **progress of receipt of Easements for Brogdon, Rev. J. W. Carter and Billups Roads**, as follows: a) **Brogdon Road** (28 properties on road with 62 sole and/or joint owners; 12 completed Easements received; 16 Easements needed; second request mailed 2-1-10; one property owner is refusing to sign – wants road to stay dirt. b) **Rev. J.W. Carter Road** (22 properties on road with 29 sole and/or joint owners; 17 completed Easements received; 4 Easements needed; second request mailed 2-1-10. c) **Billups Road** (4 properties on road with 4 sole owners); 0 Easements received; 4 Easements needed. One property may have multiple owners; letter sent 2-3-10 asking for information on heirs. One owner called wanting compensation for Easement. Administrator Houser reported that with the roads remaining on the paving list from last year, additional roads are not needed at this time; that there will be a full schedule for paving to get these roads paved. Councilman Blakely questioned why there were incomplete Easements on Brogdon Road when last year there was only one lady who refused to sign. Houser responded that when this lady refused to sign, the remainder of the Easements were not pursued since it takes all property owners to authorize the paving of a road. Now that the lady has agreed to sign, Brogdon has been added to the list again and expanded from Tearcoat to Plowden Mill Road.

Without objection, **Chairman Stewart closed the CCTC at 7:30 PM and reconvened the Regular Council Meeting.**

Consideration was given to Board Appointments, as presented by Betty S. Pritchard, Clerk to Council, as follows:

1) **Disabilities and Special Needs Board:** The terms of four members on this Board have expired. The Board is requesting reappointments for George Strickland, a new member who was filling an unexpired term, as well as Connie Gamble, Bobbie Reaves and Tina Huggins whose terms have expired. Also, two long-term members, John Bassard and Fin Coffey have both resigned due to other commitments and the Board is requesting replacements. Two applications have been received - Al Gibbons, a local CPA, and Mike Jackson, former Finance Director for School District #2. Both have indicated their willingness to serve the DSN Board and both are filling vacancies in District #2.

Upon motion of Councilman English, seconded by Vice-Chairman Frierson, **Council voted unanimous approval of the reappointments of George Strickland, Connie Gamble, Bobbie Reaves and Tina Huggins, whose terms will expire June 30, 2013, as well as the appointment of Al Gibbons whose term will expire June 30, 2013, and Mike Jackson to fill an unexpired term which will expire on June 30, 2011.**

2) **Development Board:** The terms of five members of the Development Board have expired and the Board is requesting reappointment for Barry Ham, Thomas King,

Bobby Pierce, as well as the two at-large members, Roger “Bubba” Flowers, Jr., and Blake Gibbons, who have just completed their first one-year term.

Upon motion of Councilman Blakely, seconded by Councilman Richardson, **Council voted unanimous approval of the reappointments of Barry Ham, Thomas King and Bobby Pierce whose terms will expire December 31, 2012, as well as the reappointments of Roger “Bubba” Flowers, Jr., and Blake Gibbons, whose one-year terms will expire December 31, 2010.**

3) Planning Commission: The terms of two of the Board members have expired and the Board is requesting reappointment for Marilyn Fletcher and Robert (Bob) Gibbons.

Upon motion of Vice-Chairman Frierson, seconded by Councilman English, **Council voted unanimous approval to the reappointments of Marilyn Fletcher and Bob Gibbons whose terms will expire on June 30, 2012.**

4) Aeronautics Commission: Larry Lee has resigned from the Aeronautics Commission and a replacement is needed for his vacancy. Doug Hontz, who is a private pilot interested in the airport operation, has submitted an application and expressed his willingness to serve in this capacity. Doug’s application was not included in the packets but a copy has been distributed to each Council member along with the Board Roster. The Board is also requesting reappointments for Hal Lowder, Chairman of the Aeronautics Commission, Howard Elkins and Ike Gibbons whose terms have expired.

Upon motion of Councilman English, seconded by Councilman Richardson, **Council voted unanimous approval to the reappointments of Hal Lowder, Howard Elkins and Ike Gibbons whose terms will expire June 30, 2014, as well as to the appointment of Doug Hontz whose term will also expire June 30, 2014.**

Consideration was given to discussion of an Animal Control Ordinance Committee. Chairman Stewart reported that following the previous discussions concerning an Animal Control Ordinance, Attorney Epperson was asked to prepare a very basic draft of an Animal Control Ordinance; that Council would like to have the input from the residents via a Committee to review the Ordinance prior to its presentation to Council. He reported that the following individuals have volunteered and/or indicated their interest in serving on this Committee: Gail Mathis, Loretta Pollard, Beth McLeod, Kathy Riggio, Janie Fulghum, and Nancy Cave. In addition, Stewart indicated he would like to have someone representing the dog hunters, as well as a representative from the Animal Shelter. He asked Attorney Epperson to meet with this Committee when established. Administrator

Houser reported on a Bill presently in the Legislature relative to “renegade dogs” who stray onto other property owners’ property. Chairman Stewart added that the basic Ordinance drafted by Attorney Epperson exempts hunting dogs. He stated that the County must adopt an Ordinance to authorize the Sheriff to pick up stray animals even though the State has a leash law. Upon motion of Councilman English, seconded by Councilman Richardson, **Council voted unanimously to establish an Animal Control Ordinance Committee.** Chairman Stewart requested the Clerk to send applications to the individuals named, as well as others who may volunteer, so that their intentions to serve on this Committee may be verified.

Administrator Houser submitted his Report, as follows:

1) **County Financial Report as of December 31, 2009,** reflects **Revenue of \$ 7,113,034** or **42%** of Budget and **Expenditures of \$ 8,409,514** or **49%** of Budget (46% without Grant Expenditures), or a **deficit of \$ 1,296,698** which is about **\$ 1,850,000 less** than the November 30th report as revenue from real estate taxes have begun arriving in bulk.

County Financial Report as of January 31, 2010, reflects **Revenue of \$ 11,672,428** or **68%** of Budget, and **Expenditures of \$ 10,126,927** or **59%** of Budget (55% without Grant expenses), resulting in a **surplus of \$ 1,545,501.**

2) **Financial Reports for December 31, 2009,** were received from School Districts #1, #2 and #3 and were contained in the Council packets.

3) **Report of the “C” Fund Program – “C” Fund Report as of December 31, 2009,** has been received from SC DOT as to their monthly accounting; and the Consolidated “C” Fund Report reflects **Funds received in December of \$ 83,766**, in addition to the cash balance at November 30, 2009, of **\$ 980,666** leaving a **Cash Balance at December 31st of \$ 1,064,432** with Local Paving Project expenditures of \$ 94,049, and State Construction expenditures of \$ 1,397, and Commitments of \$ 782,983 for Remaining Local Paving Projects of \$ 261,364; Remaining Construction by State of \$ 403,569; and State Construction Projects Reserve of \$ 118,051, leaving an **uncommitted balance of \$ 186,003.** The County Attorney has already given you a progress report on the paving Easements.

4) **Clarendon County Water & Sewer Department** - Statement of Operations for the seven-month period ending **January 31st** reveals **Total Operating Revenue of \$ 193,753** and **Operating Expenses of \$ 155,989** for an **Operating Revenue Gain of \$ 37,763**. With depreciation expenses of \$ 20,580, there is a **net Utility Income of \$ 17,183 for the seven-month period**.

5) **E-Waste Recycling** - At the recent E-Waste Collection Day coordinated by Madaline Braxton, the County Recycling Coordinator, **4.77 tons of electronic waste** was collected from Clarendon country residents at no cost to them. This E-waste was picked up by a Recycling Company from Raleigh, N.C., and taken back to NC for separation, sorting and recycling. Madaline has scheduled another E-Waste Collection Day for September 25th and residents may drop off any electronic waste at no charge. In response to requests from businesses, an effort will be made to schedule an E-Waste Collection Day for commercial residents at a nominal charge at some time in the future.

6) **Walker-Gamble update** - A meeting was held with committee of residents from the Walker-Gamble community. The committee reviewed plans and proposals for the Spring. As result of the productive meeting, the following plans have been made: the defective poles will be taken down, the canteen will be painted, repair work will be done on the dugout sheds and the bathrooms. The Committee appears to be excited and committed about renewing recreation to this area. They have agreed to having a baseball league and LeBon Joye, County Recreation Director, will assist them in getting this set up. Plans are to include playing at J.C. Britton Park and at Walker-Gamble Park. Chairman Stewart expressed appreciation to Ms. Chars Kennedy and Ms. Murray for their efforts in spearheading this community project.

7) **News Tidbit – County Fleet Maintenance Tires and Oil Filters –** Throughout the year 2009, the Fleet Maintenance Department has used approximately 250 tires and 311 oil filters. The tires are used on everything from lawnmowers at about \$ 70 each to motorgraders at about \$ 700 each. The average cost for law enforcement car tires is about \$ 100 each, or about \$25,000 annually. The County has spent about \$ 30,000 on tires in 2009. The 311 oil filters does not include any transmission fluid, nor any hydraulic filters some of which can cost about \$ 80 each. This includes maintenance on fire trucks and EMS vehicles.

Chairman Stewart announced that his monthly written report was contained in the Council packets and offered to answer any questions Council members might have. He welcomed Sharron Haley who is filling in for Bobby Baker with ***The Item*** during his absence following surgery and asked that she extend to Bobby Council's thoughts and prayers.

Chairman Stewart announced the necessity for an **Executive Session** to receive information relative to personnel issues. **At 8:05 PM**, upon motion of Vice-Chairman Frierson, seconded by Councilman Richardson, **Council voted unanimously to enter into Executive Session. No action was taken in Executive Session.**

At the conclusion of Executive Session and upon motion of Councilman English, seconded by Vice-Chairman Frierson, **Chairman Stewart reconvened the Open Session at 9:05 PM.**

Upon motion of Vice-Chairman Frierson, seconded by Councilman English, **Council voted unanimously to extend the employment contract of an employee in the Assessor's office for a period of one year.**

Upon motion of Vice-Chairman Frierson, seconded by Councilman Richardson, **Council voted unanimously to authorize the Administrator to change the structure of the officers in the Sheriff's Office from 7 Sergeants to 6 Sergeants and from 16 Deputies to 17 Deputies.**

Upon motion of Vice-Chairman Frierson, seconded by Councilman Richardson, **Council voted unanimously to authorize the Administrator to fill the position of Grants Administrator at above the 10% he is authorized in consideration for the number of years' experience of the individual being considered.**

There being no further business, Council **adjourned at 9:10 PM** upon motion of Councilman Blakely, seconded by Councilman English.

Respectfully submitted,

Dwight L. Stewart, Jr., Chairman

Betty S. Pritchard, Clerk to Council

CERTIFICATION OF PUBLIC AND MEDIA NOTIFICATION

I, Betty S. Pritchard, Clerk to Council, Clarendon County Council, Manning, South Carolina, do hereby certify that public and media notification of the County Council Meeting of February 8, 2010, was given prior thereto by the following means:

PUBLIC NOTIFIED: Yes

***MANNER NOTIFIED: Agenda placed on the bulletin board in the
Clarendon County Courthouse and F. E. DuBose
Career Center***

DATE POSTED: February 5, 2010

MEDIA NOTIFIED: Yes

***MANNER NOTIFIED: Agenda emailed to THE MANNING TIMES,
THE ITEM, and THE FLORENCE MORNING
NEWS***

DATE NOTIFIED: February 5, 2010

Respectfully submitted,

Betty S. Pritchard, Clerk to Council